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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,066	06/01/2005	Jean Maureen Ball	85328-88009	8545
22807 7590 07/24/2007 GREENSFELDER HEMKER & GALE PC SUITE 2000 10 SOUTH BROADWAY ST LOUIS, MO 63102			EXAMINER DUNWOODY, AARON M	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 07/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/511,066	Applicant(s) BALL, JEAN MAUREEN	
	Examiner Aaron M. Dunwoody	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/12/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 10/12/2004 is being considered by the examiner.

The information disclosure statement filed fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3 and 5-7 appear to define the claimed invention of a pipe connector in terms of the non-claimed invention of pipe sections.

Claim 3 recites the limitation "the side wall or walls of the groove" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US patent 6447018, Ball.

In regards to claims 1-7, Ball discloses a pipe connector for repairing a burst pipe, comprising a sleeve for encircling adjacent facing ends of old and new pipe sections, the sleeve having a first collar portion for surrounding and establishing an external seal with the end of the new pipe section and a second collar portion for surrounding and establishing an external seal with the end of the old pipe section: wherein the first collar portion has an annular internal recess receiving a circular array of arcuate gripper members to surround the new pipe section, an actuating member contacting the circular array of arcuate gripper members internally of the recess and defining, within the recess, a pressure chamber to which fluid under pressure can be applied to move the actuating member to urge the arcuate gripper members against the external diameter of the new pipe section, and sealing means responsive to fluid under pressure in the pressure chamber for sealing against the external diameter of the new pipe section; and wherein the second collar portion has an annular internal recess receiving a nitrile rubber annular sealing member which deforms, within the recess, a pressure chamber to which fluid under pressure can be applied to urge the nitrile rubber

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sealing member to move radially inwardly into sealing engagement with the external diameter of the old pipe section.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US patent 5911447, Ball.


In regards to claims 1-7, Ball discloses a pipe connector for repairing a burst pipe, comprising a sleeve for encircling adjacent facing ends of old and new pipe sections, the sleeve having a first collar portion for surrounding and establishing an external seal with the end of the new pipe section and a second collar portion for surrounding and establishing an external seal with the end of the old pipe section: wherein the first collar portion has an annular internal recess receiving a circular array of arcuate gripper members to surround the new pipe section, an actuating member contacting the circular array of arcuate gripper members internally of the recess and defining, within the recess, a pressure chamber to which fluid under pressure can be applied to move the actuating member to urge the arcuate gripper members against the external diameter of the new pipe section, and sealing means responsive to fluid under pressure in the pressure chamber for sealing against the external diameter of the new pipe section; and wherein the second collar portion has an annular internal recess receiving a nitrile rubber annular sealing member which deforms, within the recess, a pressure chamber to which fluid under pressure can be applied to urge the nitrile rubber sealing member to move radially inwardly into sealing engagement with the external diameter of the old pipe section.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Aaron M Dunwoody
Primary Examiner
Art Unit 3679

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